IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6389 of 2007()

CRIME NO.649/07 OFKUNDARA P9OLICE STATION

PETITIONER/ACCUSED

RAJEEV.M., S/O.MURALEEDHARAN,
RAJEEV BHAVANAM, PERUMKULAM, KOTTARAKKARA,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KUNDARA POLICE
STATION, KOLLAM DISTRICT THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6389 OF 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime registered, inter alia, under Secs.420 and 468 of the IPC. The crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred by the learned Magistrate under Sec.156(3) of the Cr.P.C. to the police. The petitioner is a former employee of the de facto complainant. It is the case of the petitioner that the petitioner had left the employment of his former employer and has started business of his own. The former employer i.e., the de facto complainant, is unable to tolerate this and hence false allegations are being raised against the petitioner. The allegation against the petitioner is that he had received amounts from the de facto

complainant for taking a premises on lease. He had taken the premises on lease not in the name of the employer; but in his own name, it is alleged. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances to which I have made a brief reference above, that this is a fit case where the petitioner can be granted anticipatory bail subject, of course, to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 30/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 31/10/07 and 1/11/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period

of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 30/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 30/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge